

Commissioner _____ introduced the following resolution and moved for its adoption:

RESOLUTION #20-222

A RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE TO MINIMUM LOT SIZE AND WIDTH IN THE R-1 RESIDENTIAL (RURAL DEVELOPING) DISTRICT AND DECLARING TERMS OF PERMIT

RECITALS

1. The City of Ramsey received an application from Jack and Sandra Kuhn (the "Permittee") requesting a Variance to Section 117-111 (R-1 Residential District) of the Ramsey City Code with regard to the minimum lot size and width requirements on the property generally known as 4944 178th Lane NW and legally described as follows:

That part of government lot 1 Section 1 Township 32 Range 25 described as follows: commencing at intersection of east line of NE ¼ of NE ¼ of said Section and centerline of CSAH No. 7, also known as 179th Lane NW, thence south 82 degrees 39 minutes 54 seconds west along said centerline 600 feet, thence south parallel with said line 435.6 feet, thence south 82 degrees 39 minutes 54 seconds west 600 feet, thence south parallel with said east line 287.66 feet to point of beginning, thence south 85 degrees east 199.12 feet, thence south parallel with said east line 326.73 feet, thence north 79 degrees 55 minutes 48 seconds west 234.99 feet, thence north parallel with said east line 272.76 feet, thence north 47 degrees 30 minutes east 44.77 feet to point of beginning, except road, subject to easement of record.

(the "Subject Property")

2. That the Permittee appeared before the Planning Commission for a public hearing pursuant to Section 117-53 (Variances) of the Ramsey City Code on October 1, 2020, and that said public hearing was properly advertised and that the minutes of said public hearing are available.
3. That the Subject Property is approximately 1.7 acres in size and is zoned R-1 Residential (Rural Developing).
4. That the Subject Property is approximately 232 feet wide along 178th Lane NW.
5. That the surrounding parcels range in size from about 0.93 acres to about 3.13 acres and are also zoned R-1 Residential (Rural Developing).
6. That the Subject Property is guided as Rural Developing on the City's Future Land Use Map as are all of the surrounding parcels.
7. That an existing accessory building belonging to the parcel west of the Subject Property was errantly constructed on the Subject Property.

8. That while there is no building permit on file for said accessory building, based on aerial photos, it appears the accessory building has been in place for approximately 35 years (first seen on aerial image dated 1985).
9. That the owners of the parcel to the west of the Subject Property have applied for an Administrative Subdivision to realign multiple property lines, including one with the Subject Property, to correct existing structure encroachments.
10. That to complete the Administrative Subdivision, a variance is required for the Subject Property as it will result in deficient lot size and lot width.
11. That the Subject Property is currently considered lawful nonconforming with regard to lot size (1.7 acres) but if the Administrative Subdivision is completed, the Subject Property would be approximately 1.4 acres in size.
12. That City Code Section 117-111 (R-1 Residential District) states that lots shall have a minimum lot size of 2.5 acres and a minimum frontage of 200 feet along a road.
13. That upon completion of the Administrative Subdivision, the Subject Property would have approximately 168 feet of frontage along 178th Lane NW.

FINDINGS OF FACT

1. That the reduced lot area and width of the Subject Property will not impair an adequate supply of light and air to adjacent property.
2. That the reduced lot area and width of the Subject Property will not unreasonably increase the congestion on the public street.
3. That the reduced lot area and width of the Subject Property will not have the effect of allowing any use prohibited in the R-1 Residential (Rural Developing) District.
4. That the reduced lot area and width of the Subject Property will not permit a lesser degree of public health, safety, and general welfare protection than established by Chapter 117 of the Ramsey City Code, or permit standards which are lower than those required by state law.
5. That the reduced lot area and width of the Subject Property will not increase the danger of fire or endanger public safety.
6. That the reduced lot area and width of the Subject Property will not unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of Chapter 117 of the Ramsey City Code.
7. That the reduced lot area and width of the Subject Property will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and such use will not change the essential character of the area.

8. That the reduced lot area and width of the Subject Property will not violate the intent and purpose of the Comprehensive Plan.
9. That the reduced lot area and width of the Subject Property will be in accordance with the objectives of the intent of Section 117-53 (Variances) of the Ramsey City Code.
10. That the reduced lot area and width of the Subject Property is the minimum necessary to accomplish the Permittee's intended purpose.

NOW THEREFORE, BE IT RESOLVED BY THIS PLANNING COMMISSION OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

That the Ramsey Planning Commission hereby grants approval of a variance (the "Variance") to the minimum lot size and width requirement on the **Subject Property**, subject to review and approval as to legal form and contingent upon the following conditions:

CONDITIONS

1. That this **Variance** shall allow the lot size and width of the **Subject Property** to be 1.4 acres and 168 feet, respectively, upon completion of an Administrative Subdivision to realign its western lot line to eliminate an existing structure encroachment.
2. That this **Variance** shall be perpetual in duration as long as the terms are herein complied with.
3. That the **Permittee** shall be responsible for all City costs incurred in administering and enforcing this **Variance**.
4. That the City Administrator, or his/her designee, shall have the right to inspect the **Subject Property** for compliance and safety purposes annually or at any time, upon reasonable request.
5. That adequate water supply and on-site sewage disposal facilities shall be the responsibility of the **Permittee**.
6. That this **Variance** shall automatically expire if the use is not initiated by October 1, 2021, and initiation shall be considered recording of the deed transfer with Anoka County to complete the Administrative Subdivision.

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

Whereupon said resolution was declared duly passed and adopted by the Ramsey Planning Commission this the 1st day of October, 2020.

Chairperson

ATTEST:

City Clerk

